

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Castle Apparel Limited and TAL Apparel Limited,

Plaintiffs,

v.

Claudio Del Vecchio, in his individual capacity and as Trustee of The Del Vecchio Family Trust; Matteo Del Vecchio, an individual; Peak Trust Company, as Trustee of The CDV Trust, as Trustee of The CDV 2010 Annuity Trust, and as Trustee of The CDV 2015 Annuity Trust; DV Family LLC; and Delfin S.A.R.L.,

Defendants.

Case No. 21-CV-04406 (PKC)

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the Plaintiffs, Castle Apparel Limited and TAL Apparel Limited, hereby give notice that the above-captioned action against Defendants, Claudio Del Vecchio, in his individual capacity and as Trustee of The Del Vecchio Family Trust; Matteo Del Vecchio, an individual; Peak Trust Company, as Trustee of The CDV Trust, as Trustee of The CDV 2010 Annuity Trust, and as Trustee of The CDV 2015 Annuity Trust; DV Family LLC; and Delfin S.A.R.L, is voluntarily dismissed, without prejudice.

In voluntarily dismissing this case without prejudice, Plaintiffs state that, on May 17, 2021, they filed their Complaint in the U.S. District Court for the Southern District of New York, asserting that this Court had subject matter jurisdiction pursuant to 28 U.S.C. § 1332. In their July 27, 2021 pre-motion letter, Defendants asserted that certain of the defendants were in fact foreign entities and, therefore, the Court lacked diversity jurisdiction. (Dkt No. 24.) Defendants also took the position, however, that this Court has subject matter jurisdiction under 28 U.S.C. § 1334(b) because the case is “related to” a case under title 11. (*Id.*) Plaintiffs have

evaluated Defendants' arguments and, in light of Defendants' assertions regarding the citizenship of certain defendants, agree that diversity jurisdiction does not exist. Plaintiffs do not agree with the Defendants' assertion, however, that this case "relates to" any case under title 11 such that the Court would have jurisdiction under 28 U.S.C. § 1334(b). . Therefore, consistent with Plaintiffs' obligation to ensure a good faith basis exists to proceed with their claims in federal court, Plaintiffs voluntarily dismiss this action without prejudice and will file their action in state court.

Dated: New York, New York
August 10, 2021

/s/ A. Katrine Jakola, P.C.

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